

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NEWTON RODRIGUEZ,

Plaintiff,

-against-

MODERN HANDLING EQUIPMENT OF N.J.,
INC., MODERN HANDLING EQUIPMENT OF
NEW YORK, INC., MODERN GROUP LTD.,
MODERN, STARLIFT EQUIPMENT CO, INC.,

Defendants.
-----X

**STIPULATION OF
DISCONTINUANCE AS TO
DEFENDANTS MODERN
HANDLING EQUIPMENT OF
N.J., INC., MODERN
HANDLING EQUIPMENT OF
NEW YORK, INC., and
MODERN GROUP, LTD.**

07 Civ 7349 *CM*

C O U N S E L O R S :

IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED, by and between the attorneys of record for the parties in the above-entitled action, that, whereas no party herein is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued with prejudice against, **MODERN HANDLING EQUIPMENT OF N.J., INC., MODERN HANDLING EQUIPMENT OF NEW YORK, INC. and MODERN GROUP, LTD.,** (hereinafter "**MODERN**") including all cross-claims, counter claims and third-party actions asserted on behalf of plaintiff and/or Starlift Equipment Co., Inc., against, **MODERN**, without costs to either party as against the other.

DATED: New York, New York

Gail Mota July 23, 2008

GAIL MOTA
GORAYEB & ASSOCIATES, P.C.
Attorney for Plaintiff
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61 Broadway, 18th Floor
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(212) 487-9700
File No.: 101-12610-D-DEH/SEH

So noted
Colleen M. Hill
9-2-08

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY :
:SS:
COUNTY OF ESSEX :

LINDA MORGAN, being duly sworn, deposes and says:

That I am not a party to this action, am over the age of 18 years and reside in Brick, New Jersey.

That on the 12th day of August, 2008, I served a true copy of the annexed Stipulation of Discontinuance in the following manner:

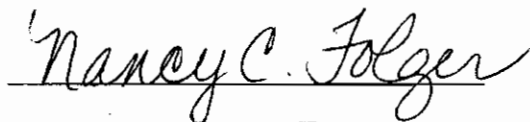
By mailing the same in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New Jersey, addressed to the last known addressee(s) as follows:

TO: Gail Mota, Esq.
Gorayeb & Associates, P.C.
100 William St, Ste 1205
New York, New York 10038

Dionne Sinclair,, Esq.
White Fleischner & Fino, LP
61 Broadway, 18th Floor
New York, NY 10005


LINDA MORGAN

Sworn and subscribed to before
me this 12th day of August, 2008



NANCY C. FOLGER
A Notary Public of New Jersey
My Commission Expires July 7, 2009